

Wishneff
37530-091806



**ROANOKE CITY COUNCIL
REGULAR SESSION**

**SEPTEMBER 18, 2006
2:00 P.M.**

CITY COUNCIL CHAMBER

AGENDA

1. Call to Order--Roll Call. (Council Member Mason was absent.)

The Invocation was delivered by Mayor C. Nelson Harris.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Harris.

Welcome. Mayor Harris.

NOTICE:

Meetings of Roanoke City Council are televised live on RVTV Channel 3. Today's Council meeting will be replayed on Channel 3 on Thursday, September 21, 2006, at 7:00 p.m., and Saturday, September 23, 2006, at 4:00 p.m. Council meetings are offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE WEDNESDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT WWW.ROANOKEVA.GOV, CLICK ON THE SERVICE ICON, CLICK ON COUNCIL AGENDAS TO ACCESS THE APPROPRIATE AGENDA AND COUNCIL MEETING. IF ADOBE ACROBAT IS NOT AVAILABLE, A PROMPT WILL APPEAR TO DOWNLOAD PRIOR TO VIEWING AGENDA INFORMATION.

The Mayor advised that at the City's Planning Retreat on August 30, Council reached a consensus that effective October 2, 2006, any person who wishes to speak at a City Council meeting will be required to call the City Clerk's Office prior to the Monday Council meeting, or register with the staff assistant at the entrance to the Council Chamber prior to commencement of the Council meeting. Once the Council meeting has convened, there will be no further registration of speakers, except on public hearing matters.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT WWW.ROANOKEVA.GOV, TO OBTAIN AN APPLICATION.

2. PRESENTATIONS AND ACKNOWLEDGEMENTS: NONE.

3. CONSENT AGENDA

Approved (6-0)

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

- C-1 Minutes of the regular meetings of Council held on Monday, June 5, 2006, Monday, June 19, 2006, Monday, July 3, 2006, and Monday, July 17, 2006.

RECOMMENDED ACTION: Dispense with the reading of the minutes and approve as recorded.

- C-2 A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended, and more specifically to consider appointments to the Local Board of Building Code Appeals, Roanoke Civic Center Commission, Towing Advisory Board, Youth Services Citizen Board, Architectural Review Board, and Industrial Development Authority.

RECOMMENDED ACTION: Concurred in the request.
File #32-110-132-207-249-304-543

- C-3 A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss the Citizen of the Year, pursuant to Section 2.2-3711(A)(10), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concurred in the request.
File #132-496

- C-4 A communication from Council Member Alfred T. Dowe, Jr., Chair, Personnel Committee, requesting that Council convene in a Closed Meeting to discuss the appointment of a new City Clerk, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concurred in the request.
File #38-132

C-5 A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the Section 2.2-3711(A)(3), Code of Virginia (1950), as amended, and more specifically to consider the disposition of the City's Countryside property.
RECOMMENDED ACTION: Concurred in the request.
File #132-558

C-6 Qualification of the following persons:

Stephanie M. Moon as Acting City Clerk of the City of Roanoke, effective September 9, 2006;

A. L. Gaskins as a member of the Regional Virginia Alcohol Safety Action Program Policy Board, for a term ending June 30, 2008;

William D. Bestpitch as a member of the Roanoke Valley Allegheny Regional Commission, for a term ending June 30, 2009;

Harold F. Wallick, Jr., as a member of the Towing Advisory Board, for a term ending June 30, 2009;

Juan D. Motley as a member of the Roanoke Civic Center Commission, for a term ending September 30, 2009; and

Christie M. Wills as a Commissioner of the Roanoke Redevelopment and Housing Authority, for a term ending August 31, 2010.

RECOMMENDED ACTION: Received and filed.
File #15-38-110-178-192-326-536-543

REGULAR AGENDA

4. PUBLIC HEARINGS: NONE.

5. PETITIONS AND COMMUNICATIONS:

- a. Joint communication from Mayor C. Nelson Harris and Council Member Gwen W. Mason recommending that the City of Roanoke become a full member of ICLEI – Local Governments for Sustainability (formerly known as International Council for Local Environmental Initiatives).
Adopted Resolution No. 37530-091806. (6-0)
File #132

6. REPORTS OF OFFICERS:

- a. CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

1. Acceptance of a Runaway and Homeless Youth Outreach Program Grant from the United States Department of Health and Human Services, in the amount of \$134,381.00; and appropriation of funds.
Adopted Resolution No. 37531-091806 and Budget Ordinance No. 37532-091806. (6-0)
File #60-237-304
2. Execution of Amendment No. 1 to the Operating Agreement dated November 10, 2005, with Meadowbrook Golf Group, Inc., for the operation of Countryside Golf Club.
Adopted Ordinance No. 37533-091806. (6-0)
File #558

- b. CITY ATTORNEY:

1. Amendment of the City Code to amend the definition of “moped” in order to be consistent with the State Code.
Adopted Ordinance No. 37534-091806. (6-0)
File #24-442

2. Amendment of the City Code to exempt mandatory gratuities or service charges required to be paid by the purchaser from the food and beverage tax, to a certain percentage.

Adopted Ordinance No. 37535-091806. (6-0)

File #24

7. REPORTS OF COMMITTEES:

- a. Request of the Roanoke City School Board for appropriation of funds to various school grants and programs; and a report of the Director of Finance recommending that Council concur in the request. Kenneth F. Mundy, Executive Director of Fiscal Services, Spokesperson.

Adopted Budget Ordinance No. 37536-091806. (6-0)

File #60-467

8. UNFINISHED BUSINESS: NONE.

9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

- a. A Resolution authorizing the City's participation in the National League of Cities' Partnership for Working Towards Inclusive Communities.

Council Member Lea announced that a Press Conference will be held on Wednesday, September 27 at 10:00 a.m., Room 159, in connection with the above-mentioned item.

Adopted Resolution No. 37537-091806. (6-0)

File #132-228

- b. A Resolution authorizing issuance of not to exceed \$7.5 million General Obligation School Bonds to finance a portion of the cost of certain capital improvements at Patrick Henry High School. (Public hearing was held on Monday, June 21, 2004.)

Adopted Resolution No. 37538-091806. (6-0)

File #53-467

10. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor and Members of City Council.

Council Member Fitzpatrick commended City Staff regarding their efforts in connection with the 9/11 Memorial Service held on Sunday, September 10.
File #80-184

Council Member Lea expressed appreciation to the Members of Council and City Manager for their support and contribution of the Western Virginia Education Classic scheduled to be held on Saturday, September 23, 2006 at Ferrum College.
File #80-467

- b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.
- c. Expiration of the two-year terms of office of William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; Troy A. Harmon, Municipal Auditor; and Mary F. Parker, City Clerk, on September 30, 2006. (A communication was submitted by the City Clerk advising of her retirement, effective October 1, 2006.)
Reappointment of William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Troy A. Harmon, Municipal Auditor, for terms of two years, each, ending September 30, 2008.
File #1-83-280

11. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., expressed her disappointment regarding the citizen participation at the City Council meetings, effective October 2.

File #66-132

Ms. Helen Davis, 35 Patton Avenue, N. E., expressed concern regarding the lack of respect for citizens who appear before City Council.

File #66-132

12. CITY MANAGER COMMENTS:

The City Manager introduced Brian Brown, Economic Development Administrator.

CERTIFICATION OF CLOSED SESSION. (6-0)

Barbara A. Botkin and Lora J. Katz were reappointed as members of the Architectural Review Board, for terms ending October 1, 2010.

File #15-110-249

Allen D. Williams was reappointed as a member of the Industrial Development Authority, for a term ending October 20, 2010. (Waived City residency requirement.)

File #15-110-207

THE COUNCIL MEETING WAS DECLARED IN RECESS TO BE RECONVENED AT 7:00 P.M., IN THE CITY COUNCIL CHAMBER, ROOM 450, NOEL C. TAYLOR MUNICIPAL BUILDING.



**ROANOKE CITY COUNCIL
REGULAR SESSION**

**SEPTEMBER 18, 2006
7:00 P.M.**

CITY COUNCIL CHAMBER

AGENDA

Call to Order -- Roll Call. (Council Member Mason was absent.)

The Invocation was delivered by Council Member Alfred T. Dowe, Jr.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor C. Nelson Harris.

Welcome. Mayor Harris.

NOTICE:

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A. PUBLIC HEARINGS:

1. Request of Haitian Sinai Baptist Church that property located at 2905 Cove Road, N. W., be rezoned from R-7, Residential Single Family District, to INPUD, Institutional Planned Unit Development District, to allow for a place of worship. Castin Mesadieu, Pastor, Spokesperson.
Adopted Ordinance No. 37539-091806. (6-0)
File #51
2. Approval of the issuance of general obligation bonds in an amount estimated not to exceed \$2.1 million for financing capital improvements for Monterey Elementary School. George J. A. Clemo, Attorney.
Adopted Resolution No. 37540-091806. (6-0)
File #53-467
3. Amendment to the boundaries of Enterprise Zone One A and Enterprise Zone Two and its Subzone, and modifying local incentives for each zone. Darlene L. Burcham, City Manager.
Adopted Resolution No. 37541-091806, Ordinance No. 37542-091809, Resolution No. 37543-091806, Ordinance No. 37544-091806 and Budget Ordinance No. 37545-091806. (6-0)
File #60-266
4. Proposal of the City of Roanoke to lease to Francine Barish-Stern Bray, d/b/a Creations, 284 square feet of space in the City Market Building located at 32 Market Square, for a term of one year. Darlene L. Burcham, City Manager.
Adopted No. 37546-091806. (6-0)
File #42-373

5. Proposed adjustment to the aggregate amount of the City's fiscal year 2006-2007 Annual Budget; authorization for the City Manager to execute a Memorandum of Understanding with the School Board to provide for the sale of motor fuel to the school system; and appropriation of funds. Darlene L. Burcham, City Manager. (The public hearing will be rescheduled to be held on Monday, October 2, 2006, at 2:00 p.m., in the City Council Chamber.)

The public hearing was rescheduled to be held on October 2, 2006, at 2:00 p.m., in the City Council Chamber.

File #60-467

6. Proposal of the City of Roanoke to convey to Appalachian Power Company an easement across City-owned property to provide electric service to the new Fire-EMS Headquarters Building located at Elm Avenue and Franklin Road, S. W. Darlene L. Burcham, City Manager.

Adopted Ordinance No. 37547-091806. (6-0)

File #29-70

B. HEARING OF CITIZENS UPON PUBLIC MATTERS: NONE.

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